

Attorney Docket No: 40116/03701 (1546)

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I. INTRODUCTION

Claims 1, 10, 13, 21 and 24-29 have been amended. No new matter has been added. Therefore, claims 1-29 are pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the pending claims are allowable.

II. CLAIM REJECTIONS - 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 1-29 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner asserts that claim 1 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most likely nearly connected, to make and/or use the invention. (See 12/31/07 Office Action, pp. 2-3.) Specifically, the Examiner rejected the language in claims 1, 13 and 24 stating that "the PIN code indicates an identity of the first device to the second device" on the grounds that it is not supported by any disclosure in the either the specification or the figures. (See *id.*.)

Claim 1, as amended, recites in relevant portion: "[a] method for establishing an authenticated wireless communication between a first mobile device and a second device... the PIN code *identifying at least one device with which the first device is authorized to communicate....*" Applicants submit that the language of claim 1, as amended, is supported by relevant disclosures in both the specification and the figures. Therefore, Applicants respectfully submit that claim 1 is allowable under 35 U.S.C. § 112, first paragraph. Because claims 2-12 depend from, and therefore include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

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Independent claims 13 and 24 include substantially the same limitations as claim 1. Thus, Applicants respectfully submit that for at least the reasons set forth above with respect to claim 1, claims 13 and 24 are also allowable. Because claims 14-23 depend from, and therefore include all of the limitations of claim 13, it is respectfully submitted that these claims are also allowable. Because claims 25-29 depend from, and therefore include all of the limitations of claim 21, it is respectfully submitted that these claims are also allowable.

## **II. CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 10, 21 and 24-29 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. (See 12/31/07 Office Action, pp. 3-4.) The Examiner asserts that the language used in these claims is generally narrative and indefinite, and that the Applicants fail to “point out clearly which options include in the present invention by these terms.” (See id.)

Claim 10, as amended, recites: “[the] method according to claim 1, wherein the pairing process includes the following substeps: *compiling a first sample data, from a collection of random data, by the second device, the second device then providing the first sample data to the first device*[;] *generating second data, by the first device, as a function of the first sample data, the PIN code and a hashing procedure; providing at least a portion of the second data by the first device to the second device*[;] *generating third data by the second device as a function of at least one of the authorized PIN codes stored in the database, the second data received from the first device and the hashing procedure; comparing, by the second device, the second data received from the first device to the corresponding third data*[;] and when the second data received from the first device matches to the third data, generating an indication the pairing process is successfully completed.”

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Applicants submit that the language of claim 10, as amended, particularly points out and distinctly claims the subject matter that the Applicants regard as the invention. Therefore, Applicants respectfully submit that claim 10 is allowable under 35 U.S.C. § 112, second paragraph.

Claim 21, as amended, recites: “[the] system according to claim 13, wherein the pairing process includes the following substeps: *compiling a first sample data, from a collection of random data*, by the second device, *the second device then providing the first sample data* to the first device, generating second data, by the first device, as a function of the first sample data, the PIN code and a hashing procedure; providing at least a portion of the second data *by the first device* to the second device, generating third data by the second device as a function of *at least one of the authorized PIN codes stored in the database*, the second data *received from the first device* and the hashing procedure; comparing, *by the second device*, the second data *received from the first device* to the corresponding third data, and when the second data *received from the first device* matches to the third data, generating an indication the pairing process is successfully completed.”

Applicants submit that the language of claim 21, as amended, particularly points out and distinctly claims the subject matter that the Applicants regard as the invention. Therefore, Applicants respectfully submit that claim 21 is allowable under 35 U.S.C. § 112, second paragraph.

Claim 24, as amended, recites: “[a] wireless mobile device for establishing an authenticated wireless communication with a further device, comprising: a processor; a wireless communication arrangement; and a data capturing arrangement (“DCA”) being the only input device interface for a user thereof, wherein the processor generates a request for establishing an authenticated wireless communication, the request being forwarded to the further device via the communication arrangement, the communication arrangement receives from the further device a

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first *sample* data, *compiled from a collection of random data*, and a request for second data, the DCA obtaining a PIN code from the user, the PIN code *identifying at least one device with which the mobile device is authorized to communicate*, the processor generating the second data as a function of the PIN code, the first *sample* data and the hashing procedure, the second data being provided, *by the mobile device*, to the further device, wherein the further device generates third data as a function of *at least* one of the authorized PIN codes stored in a database, the second data *received from the mobile device* and the hashing procedure, and wherein, when the second data *received from the mobile device matches* to the third data, the *mobile* device and the further device generate a link key to establish the authenticated wireless communication.”

Applicants submit that the language of claim 24, as amended, particularly points out and distinctly claims the subject matter that the Applicants regard as the invention. Therefore, Applicants respectfully submit that claim 24 is allowable under 35 U.S.C. § 112, second paragraph.

Applicants have amended claims 25-29, replacing the term “device” with the term “*mobile device*”, as used in the referenced independent claim 24. As such Applicants submit that the language of claims 25-29, as amended, particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. Therefore, Applicants respectfully submit that claims 25-29 are allowable under 35 U.S.C. § 112, second paragraph.

### **III. CLAIM REJECTIONS - 35 U.S.C. § 103(a)**

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 20020065728 to Ogasawara (“Ogasawara”) in view of U.S. Patent No. 5,534,857 to Laing (“Laing”). (See 12/31/07 Office Action, pp. 4-9.)

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Claim 1, as amended, recites, in relevant portion: “[a] method for establishing an authenticated wireless communication between a first mobile device and a second device, comprising the steps of:... obtaining a PIN code from the user via the DCA, *the PIN code identifying at least one device with which the first device is authorized to communicate; performing a pairing process to compare the PIN code to entries in a database of authorized PIN codes; when the pairing process has been successfully completed, generating a link key to establish the authenticated wireless communication between the first and second devices.*”

Ogasawara discloses a system and method for a personal shopping system that facilitates the completion of electronic shopping transactions via a wireless videophone. (See Ogasawara, ¶ [0014], [0015].) More specifically, the system in Ogasawara discloses the use of a wireless phone with an integrated digital camera, or alternatively a barcode scanner, to be used in scanning the barcodes of items for purchase. (See *id.*, ¶ [0015], [0043].) Through the application of pattern recognition software the scanned barcodes are then translated into an alpha-numeric product identification, such as a stock keeping unit (SKU). (See *id.*, [0015], [0056].) The personal shopping system loaded on the wireless phone then communicates this translated data to a remote server; the server then acting to search a database to obtain a description and price for the item scanned. (See *id.*, ¶ [0056], [0050].) A purchase transaction program then permits the user to select items for purchase. (See *id.*, ¶ [0045], [0054].) The personal shopping system then retrieves a unique identifier associated with the user’s specific telephone, such as the telephone number or customer ID, and then searches the customer information database to confirm authorization for the purchase. (See *id.*, ¶ [0050], [0048], [0071].)

According to the Ogasawara reference a wireless videophone captures an image of, or scans, a barcode that is then translated into an alpha-numeric product identification, such as an SKU, that is then referenced against a product database to request information pertaining to the associated product and facilitate the purchase of the product. In contrast, claim 1 recites, in relevant portion, “...obtaining a PIN code from the user via the DCA, *the PIN code identifying at*

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*least one device with which the first device is authorized to communicate....*" Applicants submit that the disclosed use of the barcode in Ogasawara is not comparable to the claimed use of the barcode in claim 1 of the present application. Where Ogasawara discloses the use of a barcode as a retail product identifier, Applicants' claim 1 discloses the use of a PIN as an identifier of at least one device with which the first device is authorized to communicate.

Where Applicants' claim 1 recites, in relevant portion, "*...performing a pairing process to compare the PIN code to entries in a database of authorized PIN codes....*", Ogasawara discloses only a wherein the server retrieves "**a unique identifier associated with the specific wireless videophone**" to use in confirming authorization for the purchase. Applicants submit that the disclosed confirmation of a unique wireless videophone identifier in Ogasawara is not comparable to the claimed pairing process of the PIN code to a database of authorized PIN codes as provided in Applicants' claim 1. Where Ogasawara discloses the authorization of an identifier unique to the specific wireless videophone, claim 1 recites the pairing process of a PIN that identifies at least one device with which the first device is authorized to communicate, rather than the identity of first device itself.

The Examiner correctly recognizes that Ogasawara does not disclose, "*...generating a link key to establish the authenticated wireless communication between the first and second devices....*", as provided in claim 1. (See 12/31/07 Office Action, p. 5.) The Examiner referenced Laing to anticipate this specific limitation. (See *id.*) While Applicants do not concede that the Laing reference teaches this limitation, it should be noted that Laing fails to cure the above-mentioned deficiencies of the Ogasawara reference. Accordingly, neither Ogasawara nor Laing, either alone or in combination, teach or suggest, "[a] method for establishing an authenticated wireless communication between a first mobile device and a second device, comprising the steps of:... obtaining a PIN code from the user via the DCA, *the PIN code identifying at least one device with which the first device is authorized to communicate; performing a pairing process to compare the PIN code to entries in a database of authorized PIN codes....*"

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Thus, Applicants respectfully submit that, for at least the reasons stated above, claim 1 of the present application is not rendered obvious by Ogasawara or Laing, or the combination of the two, and request that the Examiner's rejection of claim 1 under 35 USC '§ 103(a) be withdrawn. As claims 2-12 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

Claim 13, as amended, recites, in relevant portion: "[a] system for establishing an authenticated wireless communication, comprising:... wherein the first device obtains a PIN code from the user via the DCA, *the PIN code identifying at least one device with which the first device is authorized to communicate, wherein the first and second devices perform a pairing process to compare the PIN code to entries in a database of authorized PIN codes, and wherein, when the pairing process has been successfully completed, the first and second devices generate a link key to establish the authenticated wireless communication.*" Therefore, as amended, claim 13, includes substantially the same limitations as claim 1. Thus, Applicants respectfully submit that claim 13 is allowable for at least the reasons discussed above with regard to claim 1. As claims 14-23 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

Claim 24, as amended, recites, in relevant portion: "[a] wireless mobile device for establishing an authenticated wireless communication with a further device, comprising... the DCA obtaining a PIN code from the user, *the PIN code identifying at least one device with which the mobile device is authorized to communicate, the processor generating the second data as a function of the PIN code, ... wherein the further device generates third data as a function of at least one of the authorized PIN codes stored in a database, ... wherein, when the second data received from the mobile device matches to the third data, the mobile device and the further device generate a link key to establish the authenticated wireless communication.*" Therefore, as amended, claim 24, includes substantially the same limitations as claim 1, in fact, with greater specificity provided in describing the pairing process as disclosed in claim 1. Thus, Applicants

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respectfully submit that claim 24 is allowable for at least the reasons discussed above with regard to claim 1. As claims 25-29 depend from, and therefore include all the limitations of claim 1, it is hereby submitted that these claims are also allowable.

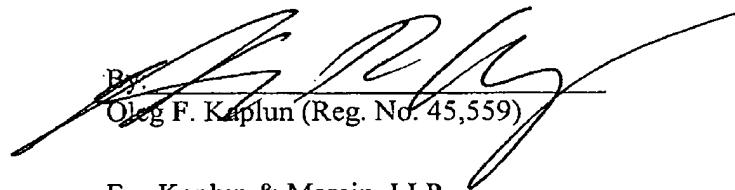
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It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

  
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276

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